

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO – Western Division at Cincinnati

HUNTER DOSTER, et. al.	:	Case No. 1:22-CV-84
Plaintiffs	:	
v.	:	
FRANK KENDALL, et. al.	:	
Defendants	:	

SECOND DECLARATION OF HUNTER DOSTER

Pursuant to 28 U.S.C. §1746, the undersigned, Hunter Doster, makes the following declaration, under penalty of perjury under the laws of the United States of America, that the facts contained herein are true and correct to the best of my knowledge and belief and that such facts are made based on my personal knowledge:

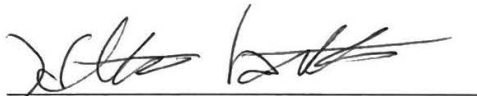
1. My name is Hunter Doster, and I am a Plaintiff in the above captioned matter.
2. The materials attached hereto are true and accurate copies of the denial of my appeal to the Air Force Surgeon General, as well as an order I received from my commander;

I received both of these documents on February 28, 2022.

Pursuant to 28 U.S.C. §1746, I declare under penalties of perjury under the laws of the United States of America that the foregoing Declaration is true and correct to the best of my knowledge and belief and that such facts are made based on my personal knowledge.

Executed on

2/28/22.



Hunter Doster



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

FEB 22 2022

MEMORANDUM FOR SECOND LIEUTENANT HUNTER G. DOSTER

FROM: HQ USAF/SG
1780 Air Force Pentagon
Washington, DC 20330-1780

SUBJECT: Decision on Religious Accommodation Appeal

Your final appeal is denied. In accordance with Department of the Air Force Instruction (DAFI) 52-201, *Religious Freedom in the Department of the Air Force*, paragraph 3.2, I have carefully reviewed your request for religious accommodation, specifically for an exemption from the COVID-19 immunization.

The Department of the Air Force has a compelling government interest in requiring you to comply with the requirement for the COVID-19 immunization because preventing the spread of disease among the force is vital to mission accomplishment. In light of your circumstances, your present duty assignment requires intermittent to frequent contact with others and is not fully achievable via telework or with adequate distancing. Your student (trainee) status also requires frequent contact and immersion with multiple individuals, which would significantly impact training accomplishment if you, your instructors, or your fellow trainees were exposed or actively infected. We must be able to leverage our forces on short notice as evidenced by recent worldwide events. Your health status as a non-immunized individual in this dynamic environment, and aggregated with other non-immunized individuals in steady state operations, would place health and safety, unit cohesion, and readiness at risk. Foregoing the above immunization requirement would have a real adverse impact on military readiness and public health and safety. There are no less restrictive means available in your circumstance as effective as receiving the above immunization in furthering these compelling government interests.

A copy of this decision memorandum will be placed in your automated personnel records. Please contact your unit leadership for questions or concerns.

A handwritten signature in dark ink, reading "Robert I. Miller", is positioned above the printed name and title.

ROBERT I. MILLER
Lieutenant General, USAF, MC, SFS
Surgeon General



**DEPARTMENT OF THE AIR FORCE
AIR UNIVERSITY (AETC)**

28 February 2022

MEMORANDUM FOR SECOND LIEUTENANT HUNTER G. DOSTER

FROM: AU DET 1/CC

SUBJECT: Order Following Disapproval of Religious Accommodation Request for COVID-19
Vaccination Exemption – SECOND LIEUTENANT HUNTER G. DOSTER

References: (a) Secretary of Defense, *Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members* (24 August 2021)
(b) Secretary of the Air Force, *Mandatory Coronavirus Disease 2019 Vaccination of Department of the Air Force Military Members* (3 September 2021)
(c) AFI 48-110_IP, *Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases* (16 February 2018)
(d) DAFI 52-201, *Religious Freedom in the Department of the Air Force* (23 June 2021)
(e) Secretary of the Air Force, *Supplemental Coronavirus Disease 2019 Vaccination Policy* (7 December 2021)

1. Your request for a religious accommodation from COVID-19 Vaccination Requirements has been denied by AETC/CC, and your appeal of that decision has also been denied by HQ USAF/SG.

2. As of 25 February 2022 the local medical facility did not have record of your COVID-19 vaccination. As a result, and in accordance with the above referenced authorities, **I am ordering you to receive an initial dose of a COVID-19 vaccine AND provide proof by end-of-day, 5 March 2022** (5 calendar days from the date you were notified of the denial of your appeal). **Additionally, if you receive a two-dose vaccine series, I am ordering you to receive the second dose of the vaccine and provide proof by 19 March 2022.**

a. If you previously received the completed vaccination series but your military medical records do not reflect it, you are **required to provide proof of vaccination by the first date listed above.**

b. Pursuant to Reference (e), you may elect to apply for voluntary separation or retirement (if applicable) and **must do so by the first date listed above.** You must provide proof of having submitted a completed application.

3. The Pfizer COVID-19 vaccine is not the only option available for complying with this order. Alternatively, you may choose to receive the two-dose Moderna COVID-19 vaccine or the single dose J&J COVID-19 vaccine. If you choose to receive the Moderna series vaccine, you must comply with the two deadlines listed above. If you choose to receive the J&J vaccine, you must comply with the first deadline listed above. It is YOUR responsibility to adhere to these timelines. A request (to me) for good cause for an extension to this order must be received in writing before the ordered due date(s).

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4. Failure to comply with this lawful order may result in administrative and/or punitive action for Failing to Obey an Order under Article 92, Uniform Code of Military Justice.

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DON R. SALVATORE, Lt Col, USAF
Section Commander, AU Det 1

Attachments:

1. AETC/CC's Decision, dated 6 Jan 22
2. HQ USAF/SG's Decision, dated 22 Feb 22

1st Ind, SECOND LIEUTENANT HUNTER G. DOSTER

MEMORANDUM FOR AU DET 1/CC

I have received HQ USAF/SG's decision on my appeal of AETC/CC's decision to deny my request for religious based exemption from the COVID-19 vaccine. I understand that I have five (5) calendar days to accomplish one of the following:

- a. Receive an approved COVID-19 vaccine and provide proof of vaccination to my commander; or
- b. Apply for retirement or separation.

DOSTER.HUNTER.G.
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HUNTER G. DOSTER, 2nd Lt, USAF

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2d Ind to AU DET 1/CC, 25 February 2022, Order Following Disapproval of Religious Accommodation Request for COVID-19 Vaccination Exemption

SECOND LIEUTENANT HUNTER G. DOSTER _____

MEMORANDUM FOR AU DET 1/CC

Five calendar days have elapsed since I received HQ USAF/SG's decision denying my appeal of the AETC/CC's decision on my request for a religious based exemption from the COVID-19 vaccine. I have chosen to (initial one option):

_____ Receive an approved COVID-19 vaccine on _____ (date) and provide proof of vaccination to my commander on _____ (date).

_____ Apply on _____ (date) for retirement or separation.

_____ Refuse to comply with this order.

HUNTER G. DOSTER, 2nd Lt, USAF

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